

**BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)

Matthew Steven Hartman, P.A.)

Case No. 950-2020-002713

Physician Assistant)
License No. PA 56898)

Respondent)
_____)

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Board, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 21, 2023.

IT IS SO ORDERED March 24, 2023

PHYSICIAN ASSISTANT BOARD

By:  _____
Juan Armenta, President

1 ROB BONTA
Attorney General of California
2 GREG W. CHAMBERS
Supervising Deputy Attorney General
3 HARRIET NEWMAN
Deputy Attorney General
4 State Bar No. 189784
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **MATTHEW STEVEN HARTMAN, PA**
14 **215 Kaitlyn Lane**
Danville, CA 94506-4717

15 **Physician Assistant License No. PA 56898**

16 Respondent.

Case No. 950-2020-002713

OAH No. 2022100870

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Rozana Khan (Complainant) is the Executive Officer of the Physician Assistant
22 Board (Board). She brought this action solely in her official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by Harriet Newman, Deputy
24 Attorney General.

25 2. Respondent Matthew Steven Hartman, PA (Respondent) is represented in this
26 proceeding by attorney Elizabeth Brady, whose address is: 8880 Rio San Diego Dr., Suite 800,
27 San Diego, CA 92108.
28

3. On or about June 14, 2019, the Board issued Physician Assistant License No. PA 56898 to Respondent. The Physician Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 950-2020-002713, and will expire on December 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 950-2020-002713 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 16, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 950-2020-002713 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 950-2020-002713. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 950-2020-002713.

10. Respondent agrees that his Physician Assistant License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Physician Assistant Board. Respondent understands and agrees that counsel for Complainant and the staff of the Physician Assistant Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician Assistant License No. PA 56898 issued to Respondent Matthew Steven Hartman, PA is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. ETHICS COURSE Within 60 days of the effective date of this decision, Respondent shall submit to the Board or its designee for its prior approval a course in ethics. The course shall be limited to classroom, conference, or seminar settings. Respondent shall successfully complete the course within the first year of probation.

Respondent shall pay the cost of the course.

Respondent shall submit a certification of successful completion to the Board or its designee within 15 days after completing the course.

2. CLINICAL DIAGNOSTIC EVALUATION (CDE) Within 30 days from the effective date of the Decision and Order and thereafter as required by the Board, Respondent shall undergo a CDE from a licensed practitioner who holds a valid, unrestricted license to conduct CDEs, has three (3) years' experience in providing evaluations of health care professionals with substance abuse disorders, and is approved by the Board. The evaluations shall be conducted in accordance with accepted professional standards for conducting a substance abuse CDE.

Respondent shall undergo a CDE to determine whether Respondent has a substance abuse problem and whether Respondent is a threat to himself or herself or others. The evaluator shall make recommendations for substance abuse treatment, practice restrictions, or other recommendations related to Respondent's rehabilitation and safe practice.

Respondent shall not be evaluated by an evaluator that has a financial, personal, or business relationship with Respondent within the last five (5) years. The evaluator shall provide an objective, unbiased, and independent evaluation.

During the evaluation, if Respondent is determined to be a threat to himself or others, the evaluator shall notify the Board within 24 hours of such a determination.

Respondent may return to either full-time or part-time work if the Board determines he is fit to do so based upon consideration of the CDE report and the following criteria:

- License type;
- Licensee's history;
- Documented length of sobriety/time that has elapsed since last substance use;
- Scope and pattern of use;
- Treatment history;
- Medical history and current medical condition;
- Nature, duration and severity of substance abuse; and,
- Whether the licensee is a threat to himself or herself or others.

1 The Board shall determine whether or not Respondent is safe to return to full-time or part-
2 time work, and what restrictions shall be imposed on Respondent. However, Respondent shall not
3 return to practice until he has thirty days of negative drug tests.

4 If Respondent is required to participate in inpatient, outpatient, or any other type of
5 treatment, the Board shall take into consideration the recommendation of the CDE, license type,
6 licensee's history, length of sobriety, scope and pattern of substance abuse, treatment history,
7 medical history, current medical condition, nature, duration and severity of substance abuse and
8 whether the licensee is a threat to himself or others.

9 In the event that any Condition Applying the Uniform Standards requires interpretation or
10 clarification, the Uniform Standards shall be controlling.

11 3. ABSTAIN FROM THE USE OF ALCOHOL Respondent shall abstain completely
12 from the use of alcoholic beverages.

13 4. ABSTAIN FROM THE USE OF CONTROLLED SUBSTANCES AND
14 DANGEROUS DRUGS Respondent shall abstain completely from personal use, possession,
15 injection, consumption by any route, including inhalation of all controlled substances as defined
16 in the California Uniform, Controlled Substances Act. This prohibition does not apply to
17 medications lawfully prescribed to respondent for a bona fide illness or condition by a
18 practitioner licensed to prescribe such medications. Within fifteen (15) calendar days of receiving
19 any lawful prescription medications, Respondent shall notify the recovery program in writing of
20 the following: prescriber's name, address, and telephone number; medication name and strength,
21 issuing pharmacy name, address, and telephone number. Respondent shall also provide a current
22 list of prescribed medication with the prescriber's name, address, and telephone number on each
23 quarterly report submitted. Respondent shall provide the probation monitor with a signed and
24 dated medical release covering the entire probation period.

25 Respondent shall identify for the Board's approval a single coordinating physician and
26 surgeon who shall be aware of Respondent's history of substance abuse and who will coordinate
27 and monitor any prescriptions for respondent for dangerous drugs, and controlled substances.
28 Once a Board-approved physician and surgeon has been identified, Respondent shall provide a

1 copy of the Initial Probationary License Decision and Order, Statement of Issues or Accusation,
2 Decision and Order, or Stipulated Decision and Order to the physician and surgeon. The
3 coordinating physician and surgeon shall report to the Board or its designee on a quarterly basis
4 Respondent's compliance with this condition.

5 The Board may require that only a physician and surgeon who is a specialist in addictive
6 medicine be approved as the coordinating physician and surgeon.

7 If Respondent has a positive drug screen for any substance not legally authorized,
8 Respondent shall be contacted and instructed to leave work and ordered by the Board to cease any
9 practice and may not practice unless and until notified by the Board. The Board will notify
10 Respondent's employer, if any, and worksite monitor, if any, that Respondent may not practice.
11 If the Board files a petition to revoke probation or an accusation based upon the positive drug
12 screen, Respondent shall be automatically suspended from practice pending the final decision on
13 the petition to revoke probation or accusation. This period of suspension will not apply to the
14 reduction of this probationary period.

15 5. DRUG AND ALCOHOL RECOVERY MONITORING PROGRAM Within fifteen
16 (15) calendar days from the effective date of this Decision and Order, Respondent shall enroll,
17 participate in, and successfully complete the Board's drug and alcohol recovery monitoring
18 program at Respondent's cost until the drug and alcohol recovery monitoring program determines
19 that participation in the drug and alcohol recovery monitoring program is no longer necessary.

20 Respondent shall comply with all components of the drug and alcohol recovery monitoring
21 program. Respondent shall sign a release authorizing the drug and alcohol recovery monitoring
22 program to report all aspects of participation of the drug and alcohol recovery monitoring
23 program as requested by the Board or its designee.

24 Failure to comply with requirements of the drug and alcohol recovery monitoring program,
25 terminating the program without permission or being expelled for cause shall constitute a
26 violation of probation by Respondent and shall be immediately suspended from the practice as a
27 physician assistant.

28 Probation shall be automatically extended until Respondent successfully completes the

1 program.

2 6. BIOLOGICAL FLUID TESTING Respondent shall immediately submit to and pay
3 for any random and directed biological fluid or hair sample, breath alcohol or any other mode of
4 testing required by the Board or its designee.

5 Respondent shall be subject to a minimum of fifty-two (52) random tests per year within
6 the first year of probation and a minimum of thirty six (36) random tests per year, for the duration
7 of the probationary term up to five years and a minimum of one (1) test per month in each year of
8 probation after the fifth year provided that there have been no positive test results during the
9 previous five (5) years.

10 The Board or its designee may require less frequent testing if any of the following applies:

- 11 • Where Respondent has previously participated in a treatment or monitoring
12 program requiring testing, the board or its designee may consider that prior testing record
13 in applying the testing frequency schedule described above;
- 14 • Where the basis for probation or discipline is a single incident or
15 conviction involving alcohol or drugs, or two incidents or convictions
16 involving alcohol or drugs that were at least seven (7) years apart, that did not
17 occur at work or on the way to or from work, the Board or its designee may
18 skip the first-year testing frequency requirement(s);
- 19 • Where Respondent is not employed in any health care field, frequency
20 of testing may be reduced to a minimum of twelve (12) tests per year. If
21 Respondent wishes to thereafter return to employment in a health care field,
22 Respondent shall be required to test at least once a week for a period of sixty
23 (60) days before commencing such employment, and shall thereafter be
24 required to test at least once a week for a full year, before Respondent may be
25 reduced to a testing frequency of no less than twenty-four (24) tests per year;
- 26 • Where Respondent has a demonstrated period of sobriety and/or non-
27 use, the Board or its designee may reduce the testing frequency to no less than
28 twenty-four (24) tests per year.

Respondent shall make daily contact as directed by the Board to determine if he must submit to drug testing. Respondent shall have the test performed by a Board-approved laboratory certified and accredited by the U.S. Department of Health and Human Services on the same day that he is notified that a test is required. This shall ensure that the test results are sent immediately to the Board. Failure to comply within the time specified shall be considered an admission of a positive drug screen and constitute a violation of probation. If the test results in a determination that the urine was too diluted for testing, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation. If a positive result is obtained, the Board may require Respondent to immediately undergo a physical examination and to complete laboratory or diagnostic testing to determine if any underlying physical condition has contributed to the diluted result and to suspend Respondent's license to practice. Any such examination or laboratory and testing costs shall be paid by respondent. If it is determined Respondent altered the test results, the result shall be considered an admission of a positive urine screen and constitutes a violation of probation and respondent must cease practicing. Respondent shall not resume practice until notified by the Board. If Respondent tests positive for a banned substance, respondent shall be contacted and instructed to leave work and ordered to cease all practice. Respondent shall not resume practice until notified by the Board. All alternative drug testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

7. FACILITATED GROUP SUPPORT MEETINGS Within fifteen (15) days from the effective date of the decision, Respondent shall submit to the Board or its designee for prior approval the name of one or more meeting facilitators. Respondent shall participate in facilitated group support meetings within fifteen (15) days after notification of the Board's or designee's approval of the meeting facilitator. When determining the type and frequency of required facilitated group support meeting attendance, the Board or its designee shall give consideration to the following:

- The licensee's history;
- The documented length of sobriety/time that has elapsed since

substance abuse;

- The recommendation of the clinical evaluator;
- The scope and pattern of use;
- The licensee's treatment history; and ,
- The nature, duration, and severity of substance abuse.

Verified documentation of attendance shall be submitted by respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation unless notified by the Board that attendance is no longer required.

If a facilitated group support meeting is ordered, the group facilitator shall meet the following qualifications and requirements:

1. The group meeting facilitator shall have a minimum of three (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed or certified by the state or other nationally certified organizations.
2. The group meeting facilitator shall not have a financial relationship, personal relationship, or business relationship with the licensee in the last one (1) year.
3. The group facilitator shall provide to the Board or its designee a signed document showing the licensee's name, the group name, the date and location of the meeting, the licensee's attendance, and the licensee's level of participation and progress.
4. The group meeting facilitator shall report any unexcused absence to the Board or its designee within twenty-four (24) hours.

8. WORK SITE MONITOR Respondent shall have a worksite monitor as required by this term. The worksite monitor shall not have any current or former financial, personal, or familial relationship with the licensee, or other relationship that could reasonably be expected to compromise the ability of the monitor to render impartial and unbiased reports to the Board. If it is impractical for anyone but the licensee's employer or supervising physician to serve as the worksite monitor, this requirement may be waived by the Board. However, under no

1 circumstances shall a licensee's worksite monitor be an employee of the licensee.

2 The worksite monitor's license scope of practice shall include the scope of practice of the
3 licensee who is being monitored or be another health care professional if no monitor with like
4 scope of practice is available.

5 The worksite monitor shall have an active unrestricted license, with no disciplinary action
6 within the last five (5) years.

7 The worksite monitor shall sign an affirmation that he or she has reviewed the terms and
8 conditions of the licensee's disciplinary order and agrees to monitor the licensee as set forth by
9 the Board.

10 The worksite monitor must adhere to the following required methods of monitoring the
11 licensee:

12 a) Have face-to-face contact with the licensee at least once per week in the work
13 environment or more frequently if required by the Board.

14 b) Interview other staff in the office regarding the licensee's behavior, if applicable.

15 c) Review the licensee's work attendance.

16 The worksite monitor shall report to the Board as follows:

17 Any suspected substance abuse must be verbally reported to the Board and the licensee's
18 employer within one (1) business day of occurrence. If the occurrence is not during the Board's
19 normal business hours the verbal report must be within one (1) hour of the next business day. A
20 written report shall be submitted to the Board within 48 hours of occurrence.

21 The worksite monitor shall complete and submit a written report monthly or as directed by
22 the Board. The report shall include: the licensee's name; license number; worksite monitor's name
23 and signature; worksite monitor's license number; worksite location(s); dates licensee had face-to-
24 face contact with monitor; staff interviewed if applicable; attendance report; any change in
25 behavior and/or personal habits; any indicators leading to suspected substance abuse.

26 The licensee shall complete the required consent forms and sign an agreement with the
27 worksite monitor and the Board to allow the Board to communicate with the worksite monitor.

28 If Respondent tests positive for a banned substance, the Board will immediately notify

Respondent's employer that the Respondent's license has been ordered to cease practice.

Optional language: This condition may be waived or modified by the Board upon a written finding by the CDE that respondent is not a substance abusing licensee.

9. MAJOR VIOLATIONS If Respondent commits a major violation, Respondent shall immediately upon notification by the Board, cease practice until notified otherwise in writing by the Board.

Major Violations include, but are not limited to, the following:

1. Failure to complete a Board-ordered program;
2. Failure to undergo a required CDE;
3. Committing multiple minor violations of probation conditions;
4. Treating a patient while under the influence of drugs or alcohol;
5. Committing any drug or alcohol offense that is a violation of the Business and Professions Code or state or federal law;
6. Failure to obtain biological testing for substance abuse;
7. Testing positive for a banned substance; and,
8. Knowingly using, making, altering, or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

10. APPROVAL OF SUPERVISING PHYSICIAN Within 30 days of the effective date of this decision, Respondent shall submit to the Board or its designee for its prior approval the name and license number of the supervising physician and a practice plan detailing the nature and frequency of supervision to be provided. Respondent shall not practice until the supervising physician and practice plan are approved by the Board or its designee.

Respondent shall have the supervising physician submit quarterly reports to the Board or its designee.

If the supervising physician resigns or is no longer available, Respondent shall, within 15 days, submit the name and license number of a new supervising physician for approval.

Respondent shall not practice until a new supervising physician has been approved by the Board or its designee.

11. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

Respondent shall notify his current and any subsequent employer and supervising physician(s) of the discipline and provide a copy of the Accusation, Decision, and Order to each employer and supervising physician(s) during his period of probation, before accepting or continuing employment. Respondent shall ensure that each employer informs the Board or its designee, in writing within 30 days, verifying that the employer and supervising physician(s) have received a copy of the Accusation, Decision, and Order.

This condition shall apply to any change(s) in place of employment.

Respondent shall provide to the Board or its designee the names, physical addresses, mailing addresses, and telephone numbers of all employers, supervising physicians, and work site monitor, and shall inform the Board or its designee in writing of the facility or facilities at which the person practices as a physician assistant.

Respondent shall give specific, written consent to the Board or its designee to allow the Board or its designee to communicate with the employer, supervising physician, or work site monitor regarding the licensee's work status, performance, and monitoring.

12. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine as a physician assistant in California, and remain in full compliance with any court ordered criminal probation, payments, and other orders.

13. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.

14. OTHER PROBATION REQUIREMENTS Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board and probation unit informed of Respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board and probation unit. Under no circumstances shall a post office box serve as an address of record, except as allowed by California Code of

1 Regulations, title 16, section 1399.511.

2 Respondent shall appear in person for an initial probation interview with Board or its
3 designee within 90 days of the decision. Respondent shall attend the initial interview at a time and
4 place determined by the Board or its designee.

5 Respondent shall, at all times, maintain a current and renewed physician assistant license.

6 Respondent shall also immediately inform the probation unit, in writing, of any travel to
7 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than
8 thirty (30) days.

9 15. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall appear in
10 person for interviews with the Board's medical or expert physician assistant consultant upon
11 request at various intervals and with reasonable notice.

12 16. NON-PRACTICE WHILE ON PROBATION Respondent shall notify the Board or
13 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
14 30 calendar days. Non-practice is defined as any period of time exceeding 30 calendar days in
15 which Respondent is not practicing as a physician assistant. Respondent shall not return to
16 practice until the supervising physician is approved by the Board or its designee.

17 If, during probation, Respondent moves out of the jurisdiction of California to reside or
18 practice elsewhere, including federal facilities, Respondent is required to immediately notify the
19 Board in writing of the date of departure and the date of return, if any.

20 Practicing as a physician assistant in another state of the United States or federal
21 jurisdiction while on active probation with the physician assistant licensing authority of that state
22 or jurisdiction shall not be considered non-practice.

23 All time spent in a clinical training program that has been approved by the Board or its
24 designee, shall not be considered non-practice. Non-practice due to a Board ordered suspension or
25 in compliance with any other condition or probation, shall not be considered a period of non-
26 practice.

27 Any period of non-practice, as defined in this condition, will not apply to the reduction of
28 the probationary term.

1 Periods of non-practice do not relieve respondent of the responsibility to comply with the
2 terms and conditions of probation.

3 It shall be considered a violation of probation if for a total of two years, Respondent fails to
4 practice as a physician assistant. Respondent shall not be considered in violation for non-practice
5 as long as Respondent is residing and practicing as a physician assistant in another state of the
6 United States and is on active probation with the physician assistant licensing authority of that
7 state, in which case the two year period shall begin on the date probation is completed or
8 terminated in that state.

9 17. UNANNOUNCED CLINICAL SITE VISIT The Board or its designee may make
10 unannounced clinical site visits at any time to ensure Respondent is complying with all terms and
11 conditions of probation.

12 18. CONDITION FULFILLMENT A course, evaluation, or treatment completed after
13 the acts that gave rise to the charges in the accusation, but prior to the effective date of the
14 Decision may, in the sole discretion of the Board or its designee, be accepted towards the
15 fulfillment of the condition.

16 19. COMPLETION OF PROBATION Respondent shall comply with all financial
17 obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the
18 completion of probation. Upon successful completion of probation, Respondent's license will be
19 fully restored.

20 20. VIOLATION OF PROBATION If Respondent violates probation in any respect, the
21 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
22 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
23 filed against respondent during probation, the Board shall have continuing jurisdiction until the
24 matter is final, and the period of probation shall be extended until the matter is final.

25 21. COST RECOVERY The respondent is hereby ordered to reimburse the Physician
26 Assistant Board the amount of \$15,761 within 90 days from the effective date of this decision for
27 its investigative and legal costs. Failure to reimburse the Board's costs shall constitute a violation
28 of the probation order, unless the Board agrees in writing to payment by an installment plan

1 because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the
2 respondent of his responsibility to reimburse the Board for its costs.

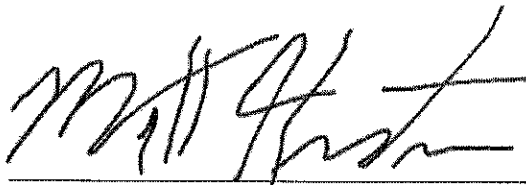
3 22. PROBATION MONITORING COSTS Respondent shall pay the costs associated
4 with probation monitoring each and every year of probation, as designated by the Board, which
5 may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant
6 Board and delivered to the Board no later than January 31 of each calendar year.

7 23. VOLUNTARY LICENSE SURRENDER Following the effective date of this
8 probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise
9 unable to satisfy the terms and conditions of probation, Respondent may request, in writing, the
10 voluntarily surrender of Respondent's license to the Board. Respondent's written request to
11 surrender his license shall include the following: his or her name, license number, case number,
12 address of record, and an explanation of the reason(s) why Respondent seeks to surrender his or
13 her license. The Board reserves the right to evaluate Respondent's request and to exercise its
14 discretion whether to grant the request, or to take any other action deemed appropriate and
15 reasonable under the circumstances. Respondent shall not be relieved of the requirements of his
16 or her probation unless the Board or its designee notifies Respondent in writing that Respondent's
17 request to surrender his or her license has been accepted. Upon formal acceptance of the
18 surrender, Respondent shall, within 15 days, deliver Respondent's wallet and wall certificate to
19 the Board or its designee and shall no longer practice as a physician assistant. Respondent will no
20 longer be subject to the terms and conditions of probation and the surrender of Respondent's
21 license shall be deemed disciplinary action. If Respondent re-applies for a physician assistant
22 license, the application shall be treated as a petition for reinstatement of a revoked license.

23 ACCEPTANCE

24 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
25 discussed it with my attorney, Elizabeth Brady. I understand the stipulation and the effect it will
26 have on my Physician Assistant License. I enter into this Stipulated Settlement and Disciplinary
27 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
28 of the Physician Assistant Board.

1
2 DATED: _____



3 MATTHEW STEVEN HARTMAN, PA
4 Respondent

5 I have read and fully discussed with Respondent Matthew Steven Hartman, PA the terms
6 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
7 Order. I approve its form and content.

8 DATED: Jan. 31, 2023



9 ELIZABETH BRADY
10 Attorney for Respondent

11 **ENDORSEMENT**

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Physician Assistant Board.

14 DATED: 2/1/23 _____

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 GREG W. CHAMBERS
18 Supervising Deputy Attorney General



19 HARRIET NEWMAN
20 Deputy Attorney General
21 Attorneys for Complainant
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28

Exhibit A

Accusation No. 950-2020-002713

1 ROB BONTA
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2 MARY CAIN-SIMON
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3 HARRIET NEWMAN
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2020-002713

13 **MATTHEW STEVEN HARTMAN, P.A.**
14 **215 Kaitlyn Lane**
Danville, CA 94506-4717
15 **Physician Assistant License No. PA 56898**

ACCUSATION

16 Respondent.

17
18 **PARTIES**

19 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.

21 2. On June 14, 2019, the Physician Assistant Board issued Physician Assistant License
22 Number PA 56898 to Matthew Steven Hartman, P.A. (Respondent). The Physician Assistant
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on December 31, 2022, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Physician Assistant Board (Board), Department
27 of Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

STATUTUTORY PROVISIONS

4. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5. Section 3527 of the Code states, in pertinent part:

(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a PA license after a hearing as required in Section 3528 for unprofessional conduct that includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board.

6. Section 3528 of the Code states any proceedings involving the denial, suspension, or revocation of the application for licensure or the license of a PA or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

7. Section 3531 of the Code states a plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which is substantially related to the qualifications, functions, or duties of the business or profession to which the license was issued is deemed to be a conviction within the meaning of this chapter. The board may order the license suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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1 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
2 revoke a license on the ground that the licensee was convicted of a crime substantially related to
3 the qualifications, functions, or duties of the business or profession for which the license was
4 issued.

5 9. Section 2234 of the Code provides, in pertinent part, that a board shall take action
6 against any licensee who is charged with unprofessional conduct. In addition to other provisions
7 of this article, unprofessional conduct includes, but is not limited to, the following:

8 (g) the failure of a certificate holder, in the absence of good cause, to attend and participate
9 in an interview by the board.

10 10. Title 16, Section 1399.525 of the California Code of Regulations provides, in
11 pertinent part that for the purposes of the denial, suspension or revocation of a license pursuant to
12 section 141 or division 1.5 (commencing with section 475) of the code, a crime, professional
13 misconduct, or act shall be considered to be substantially related to the qualifications, functions or
14 duties of a person holding a license under the Physician Assistant Practice Act if to a substantial
15 degree it evidences present or potential unfitness of a person holding such a license to perform the
16 functions authorized by the license in a manner consistent with the public health, safety or
17 welfare. Such crimes or acts shall include, but are not limited to, the following:

18 (9) Conviction for driving under the influence of drugs or alcohol.

19 **FACTUAL ALLEGATIONS**

20 11. On or about October 28, 2019, a California Highway Patrol Officer observed
21 Respondent having difficulty staying in his lane. His car drifted to the left side of the lane over
22 the double yellow lines at least three times and on one occasion nearly collided with a vehicle
23 traveling in the opposite direction. His car also drifted to the right side of the lane and onto the
24 shoulder.

25 12. After the officer initiated the enforcement stop of Respondent's vehicle, the officer
26 smelled a strong odor of alcohol coming from the vehicle. When the officer asked Respondent if
27 he had consumed any alcoholic beverages, he said he had not. When Respondent exited the car,
28 his eyes appeared red and watery and his speech was slurred. He stated he had not consumed any

1 alcohol in the past two weeks. He performed poorly on field sobriety tests, nearly falling over on
2 multiple occasions.

3 **CAUSE FOR DISCIPLINE**

4 (Conviction of a Crime)

5 13. Respondent is subject to disciplinary action under Code section 3531 in that he was
6 convicted of a crime substantially related to the qualifications, functions or duties of a Physician
7 Assistant.

8 14. On January 9, 2020, in proceedings which arose from the incident described in
9 paragraphs 11 and 12 above, Respondent was convicted in the matter of People vs. Matthew
10 Steven Hartman, in Case Number CRM61576, of violating Vehicle Code section 23152(b),
11 driving with a .08% or higher blood-alcohol content. The Court sentenced Respondent to three
12 years' probation with various terms and conditions.

13 **SECOND CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct)

15 15. Respondent is subject to disciplinary action under Code Section 3527 of the Code in
16 that he engaged in conduct that includes, but is not limited to, a violation of this chapter, a
17 violation of the Medical Practice Act, or a violation of the regulations adopted by the board.

18 **PRAYER**

19 WHEREFORE, Complainant requests a hearing be held on the matters herein alleged, and
20 following the hearing, the Physician Assistant Board issue a decision:

21 1. Revoking or suspending Physician Assistant License Number PA 56898, issued to
22 Matthew Steven Hartman, P.A.;

23 2. Ordering Matthew Steven Hartman, P.A. to pay the Physician Assistant Board the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3; and,

26 3. Ordering Matthew Steven Hartman, P.A., if placed on probation, to pay the Physician
27 Assistant Board the costs of probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: August 16, 2022

Rozana Khan

ROZANA KHAN
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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